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**From:** Hicks, Matt [Hicks.Matthew@epa.gov]  
**Sent:** 7/29/2020 9:37:51 PM  
**To:** Laycock, Kelly [Laycock.Kelly@epa.gov]  
**CC:** Calli, Rosemary [Calli.Rosemary@epa.gov]; McGill, Thomas [Mcgill.Thomas@epa.gov]  
**Subject:** FW: FL 404 Assumption- NHPA  
**Attachments:** FINAL\_DEP\_SHPO\_OA.docx; SHPO FDEP Operating Agreement (compare 7.20.2020 Draft and 7.29.2020 FINAL).docx

**Flag:** Follow up

Kelly,

FYI. Apologies for not including you on these emails today. I meant to include the core assumption team but inadvertently left you off.

Thanks,

Matt

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**From:** Hicks, Matt  
**Sent:** Wednesday, July 29, 2020 5:35 PM  
**To:** McGill, Thomas <Mcgill.Thomas@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Jaikaran, Bianca <Jaikaran.Bianca@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Beck, Whitney <beck.whitney@epa.gov>  
**Subject:** FW: FL 404 Assumption- NHPA

I spoke with Stephanie this afternoon about the Operating Agreement. She received comments from the Seminole and Miccosukee Tribes today and has attempted to incorporate/address all of their comments. Those comments are reflected in the FINAL version attached. I've also created a compare version so that you can see where the changes were made. I had a few questions for Stephanie about the Federal Review section (III.C) which she was able to answer. Based on that discussion, I had the following recommended change to subparagraph III.C.2 to make it clear that FDEP will send EPA a permit application for review when the Department does not accept the recommendations for resolution of adverse effects of "one of the consulting parties" instead of the more limiting "SHPO" in order to give non-SHPO consulting parties the ability to elevate permit applications for EPA review on that basis:

**Ex. 5 Attorney Client (AC)**

**Ex. 5 Attorney Client (AC)**

The attached FINAL version will be submitted to Noah Valenstein today so this is likely to be the final version that we reference in our Programmatic Agreement.

Thanks,

Matt

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**From:** Hicks, Matt

**Sent:** Wednesday, July 29, 2020 9:57 AM

**To:** McGill, Thomas <McGill.Thomas@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Jaikaran, Bianca <Jaikaran.Bianca@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Beck, Whitney <beck.whitney@epa.gov>

**Subject:** FW: FL 404 Assumption- NHPA

I spoke with Stephanie Gray this morning and she indicated that FDEP will finalize the operating agreement today after they receive comments from the Seminole and Miccosukee (due today). Stephanie asked if we had any changes and I said I would circle back with the EPA team. Please let me know asap if you have any edits/comments/concerns.

Thanks,

Matt

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**From:** Hicks, Matt

**Sent:** Wednesday, July 22, 2020 7:56 AM

**To:** McGill, Thomas <McGill.Thomas@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Jaikaran, Bianca <Jaikaran.Bianca@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>

**Subject:** FL 404 Assumption- NHPA

In preparation for Thursday's NHPA call with FDEP, I've attached the most recent version of the SHPO FDEP Operating Agreement. This version reflects edits from the Seminole Tribe of Florida and additions from FDEP and the SHPO. Stephanie Gray thinks the operating agreement is "in good shape" but she has sent it back out to the tribes for further review.

FDEP is seeking our feedback. For ease of review, I've also attached: (1) a "compare" version that tracks the changes that have occurred since the last version I sent everyone on 7/9/20; and (2) the Seminole Tribe's edited version. If you match up the Seminole Tribe's edits against the compare version you will see that FDEP has incorporated almost all of the Tribe's changes.

Thanks,

Matt